

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE
 ZONING VARIANCE *
 N/S Katherine Avenue, 1,100 ft. * ZONING COMMISSIONER
 NW and 165' E of Cape May Rd. *
 416 Katherine Avenue * OF BALTIMORE COUNTY
 15th Election District *
 5th Councilmanic District * Case No. 96-504-A
 Glenn Ogle, et ux *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Glenn Ogle and Sheila Ogle, his wife, for that property known as 416 Katherine Avenue in the Cape May Manor subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 3 ft., in lieu of the required 10 ft., and a sum of sides of 15 ft., in lieu of the required 25 ft., and an existing front yard setback of 4 ft., in lieu of the required maximum front average of 50 ft., for an addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

ORDER RECEIVED FOR FILING
 Date 7/19/96
 By M. D. Dora

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submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of July, 1996 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 3 ft., in lieu of the required 10 ft., and a sum of sides of 15 ft., in lieu of the required 25 ft., and an existing front yard setback of 4 ft., in lieu of the required maximum front average of 50 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with the Department of Environmental Protection and Resource Management recommendations dated July 8, 1996 (copy attached).

ORDER RECEIVED FOR FILING

Date

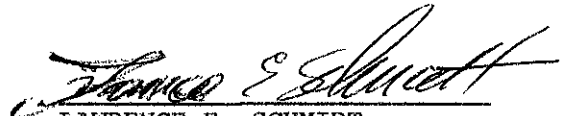
By

7/19/96
M. Novak

3. The Petitioners shall comply with the Development Plans Review Division recommendations dated July 5, 1996 (copy attached).

4. As a condition to the granting of this variance relief, the Petitioners shall be required to remove the two sheds shown on the site plan.

5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

7/19/96

By

M. J. G. v. a. h.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
July 8, 1996

FROM: Robert A. Wirth *RAW/GP*
DEPRM

SUBJECT: Zoning Item #505 - Ogle Property
416 Katherine Avenue
Zoning Advisory Committee Meeting of July 1, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RAW:SA/jbm

c: Glenn & Sheila Ogle

OGLE/DEPRM/TXTSBP

RECEIVED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 5, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
For July 8, 1996
Item No. 505

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the property sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the floodplain elevation in all construction.

The minimum floodplain management elevation for this area is 11.2 feet.

RWB:HJO:jrb

cc: File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 19, 1996

Mr. and Mrs. Glenn Ogle
416 Katherine Avenue
Perry Hall, Maryland 21221


RE: Petition for Administrative Variance
Case No. 96-504A
Property: 416 Katherine Avenue

Dear Mr. and Mrs. Ogle:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

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Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 416 KATHERINE AVE
96-504-A which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B023C1. TO ALLOW A SIDEYARD SETBACK OF 3' IN LIEU OF THE REQUIRED 10' AND A SUM OF SIDES OF 15' IN LIEU OF THE REQUIRED 25' AND AN EXISTING FRONT YARD SETBACK OF 4' IN LIEU OF REQUIRED MAX FRONT AVERAGE OF 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Existing structures ARE NON-CONFORMING TO CURRENT SETBACK REGULATIONS (SIDE LOT LINES)
2. Existing structures will NOT support 2ND story.
3. Most homes in AREA ARE NON-CONFORMING (ODD SHAPE LOTS)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

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REVIEWED BY:

DATE:

ESTIMATED POSTING DATE:

Zoning Commissioner of Baltimore County

Printed with Soybean Ink
on Recycled Paper

ITEM #: 505

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 416 KATHERINE AVE
address
BALTO MD. 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

- EXISTING STRUCTURES ARE ALREADY NON-CONFORMING IN RELATION TO SETBACKS FROM SIDE LOT LINES. THE PHYSICAL SHAPE & DIMENSIONS OF OUR PROPERTY, AND TRYING TO COMPLY WITH CRITICAL BAY SETBACKS, MEANS WE NEED TO LOOK AT ATTACHING TO OUR EXISTING STRUCTURE. WE ARE UNABLE TO PURSUE A SECOND STORY ON OUR EXISTING STRUCTURE DUE TO EXISTING FOUNDATION.
- MOST HOMES IN THE IMMEDIATE AREA ARE ALSO NON-CONFORMING TO SETBACK REQUIREMENTS AND CRITICAL BAY SETBACKS.
- RECENTLY WE WERE UNABLE TO REFINANCE DUE TO OUR HOUSE VALUE BEING 1/3 TOTAL PROPERTY VALUE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Glenn C. Ogle
(signature)
GLENN C. OGLE
(type or print name)



Sheila M. Ogle
(signature)
SHEILA M. OGLE
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of JUNE, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Glenn C. Ogle and Sheila M. Ogle

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

6-17-96
date

[Signature]
NOTARY PUBLIC

My Commission Expires: 6-31-98

96-504-A

ZONING DESCRIPTION FOR 416 KATHERINE AVE.

BEGINNING AT A POINT ON THE NORTH SIDE OF KATHERINE AVE. WHICH IS 25' WIDE AT THE DISTANCE OF 1100' NW THENCE 165' EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET CAPE MAY RD. WHICH IS 30' WIDE. BEING LOT #9 IN THE SUBDIVISION OF CAPE MAY MANOR AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #6, FOLIO #177 CONTAINING .21 ACRES (OR 9147.6 SQ. FT). ALSO KNOWN AS 416 KATHERINE AVE. AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-504-A
Towson, Maryland

District 1321

Date of Posting 6/29/96

Posted for:

Lorenzo

Petitioner:

Glenn & Shaila Ogle

Location of property:

416 Catherine Ave

Location of Sign:

Being roadway on property being road

Remarks:

Posted by

Matthew
Signature

Date of return:

7/5/96

Number of Signs:

1

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN. & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 922014

DATE 20 June 80 ACCOUNT 8-201-6150

AMOUNT \$ 85.00

RECEIVED 1 from 505
FROM: 2100 + 5121 0.12

FOR: Re. VA MICROFILMED

416 5357140284 MICROC 4/2 \$85.00
25 JAN 11 1984 MD-20-97

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 505 Petitioner: GLENN + SHEILA OGLE
Location: 416 KATHERINE AVE - BALTO, Md. 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: GLENN OGLE

ADDRESS: 416 KATHERINE AVE
BALTO, Md. 21221

PHONE NUMBER: (410) 687-5258

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 27, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-504-A (Item 505)
416 Katherine Avenue
N/S Katherine Avenue, 1,100' NW and 165' E of Cape May Road
15th Election District - 5th Councilmanic
Legal Owner(s): Glenn Ogle and Sheila Ogle

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before June 30, 1996. The closing date (July 15, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Glenn and Sheila Ogle

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 10, 1996

Glenn and Sheila Ogle
416 Katherine Avenue
Baltimore, MD 21221

RE: Item No.: 505
Case No.: 96-504-A
Petitioner: Glenn Ogle, et ux

Dear Mr. and Mrs. Ogle:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 20, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a circular official stamp. The stamp is partially obscured by the signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: July 5, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 For July 8, 1996
 Item No. 505

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the property sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the floodplain elevation in all construction.

The minimum floodplain management elevation for this area is 11.2 feet.

RWB:HJO:jrb

cc: File

ZONE16D

NOT REFILED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-28-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 505 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 727 North Calvert Street • Baltimore, MD 21201

Michael J. [illegible]

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: June 27, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. Item Nos. 491, 500, 502, 503, 504, 505, 506, 507, and 508

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 07/03/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 01, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 500, 502, 503, 504, 505, 506,
507 AND 508.

1996

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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July 16, 1996

To: ARNOLD Jablon, Director
Dept. of Permits & Dev. Management

From: Glenn & Sheila Ogle (Petitioners)
Item# 605
Case# 96-504-A

In response to the Development Plans Review Division's concern on the basement elevation-- our existing 1st Floor elevation is 25.3 and at present we have a crawl space. In the proposed addition we will have a basement and the elevation for that will be 16.3. As stated in the correspondence, the minimum floodplain management elevation for our area is 11.2 Ft. We will be well above the minimum.

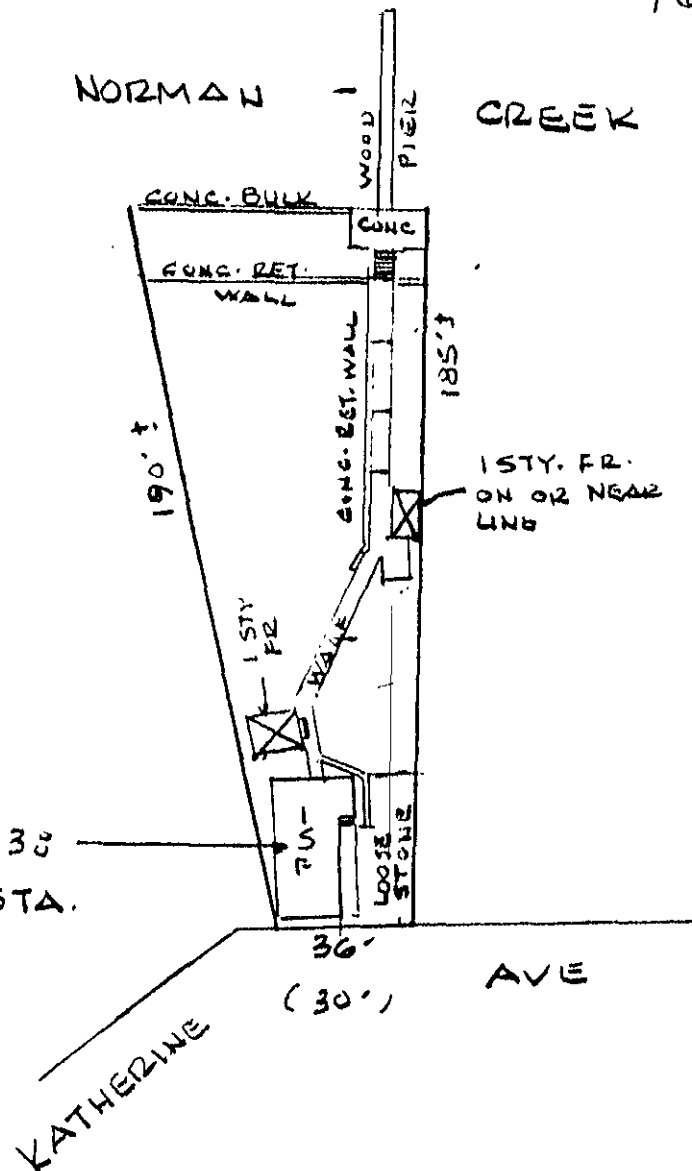
Sheila M. Ogle
416 Katherine Ave.
BALTO., MD 21221

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This is to certify that I have surveyed the premises shown hereon for the purpose of locating the improvements and the improvements are located as hereon shown.
THIS PLAT NOT INTENDED FOR USE IN THE ESTABLISHMENT OF PROPERTY LINES.

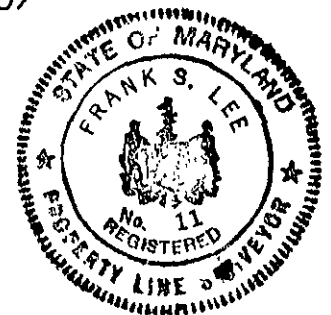
FEDERAL FLOOD INSURANCE RATE MAP
240010 0445B Zone B & C

96-504-A



No. 416
LOT 9 PLAT OF A PORTION OF
CAPE MAY
PLAT BOOK G-177

15TH DISTRICT BALTIMORE CO., MARYLAND
SCALE 1" = 50' DATE 6-27-94



FRANK S. LEE
1277 NEIGHBORS AVE.
BALTIMORE, MD. 21237

505

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CAPE MAY MANOR

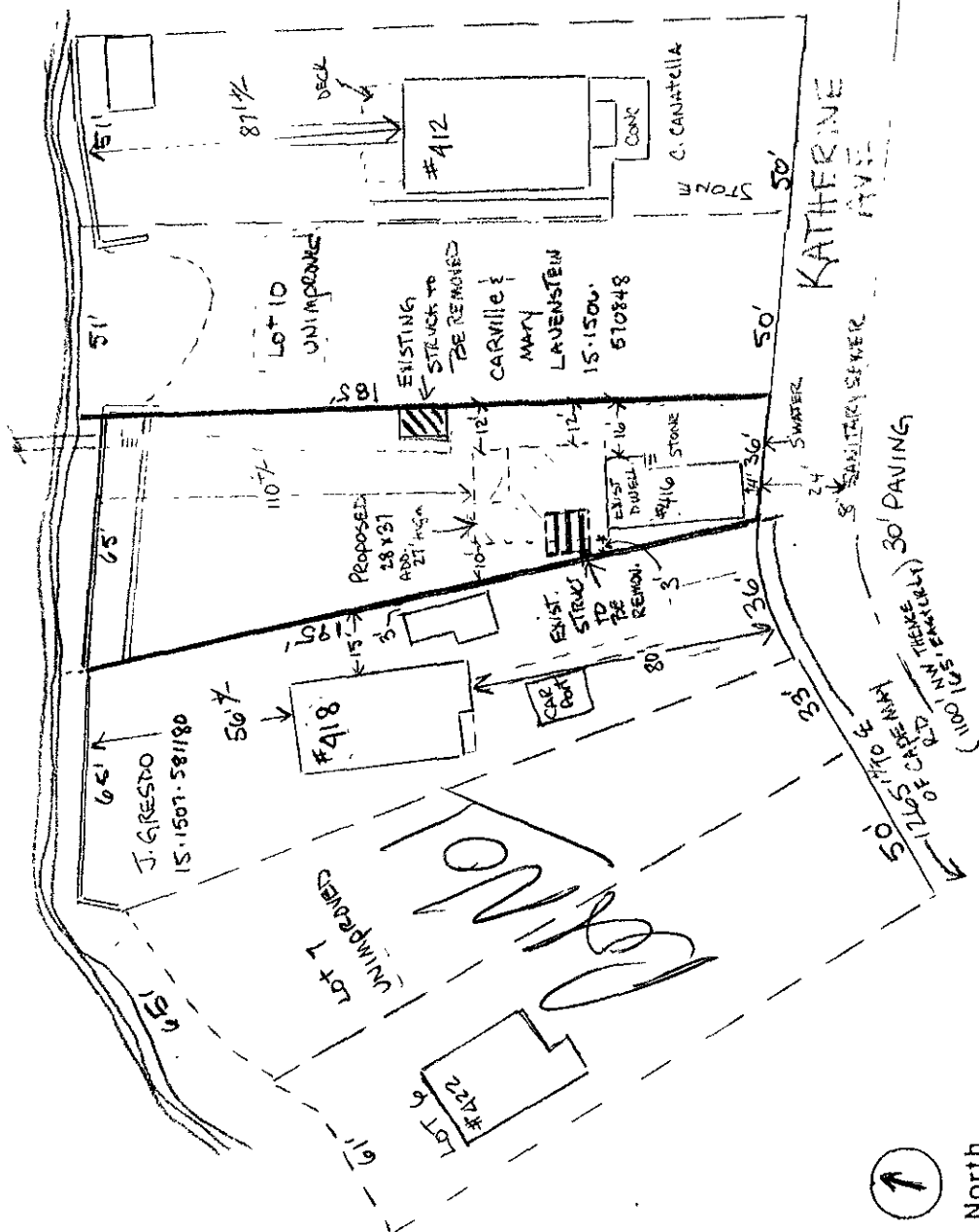
plat book # 6, folio # 177, lot # 9, section # 1

OWNER: GLENN & SHEILA OGLE

NORMAN CREEK

Not in Flood Zone

96-504-A



LOCATION INFORMATION

Election District: 1545

Councilman District: 54th

r'=200' scale map#: NE 1-145

Zoning: DR 3.5

Lot size:	21	947.6	square feet
			acreage

Chesapeake Bay Critical Area:

SEWER:	<input checked="" type="checkbox"/>	public	<input type="checkbox"/>	private
WATER:	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
		yes	no	

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

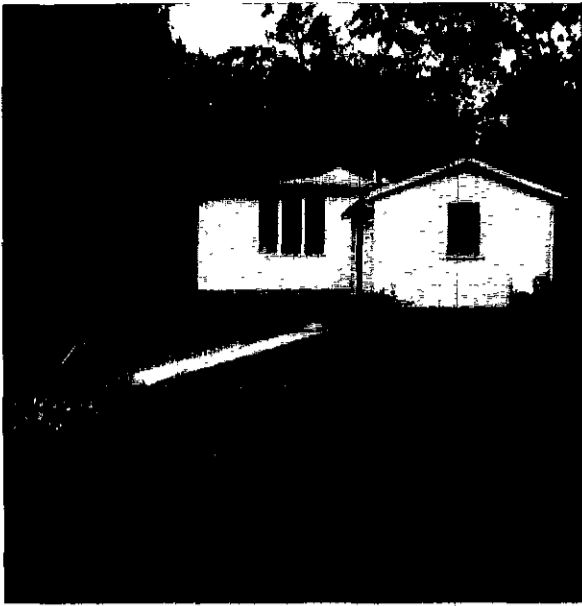
Scale of Drawing: $1'' = 50'$

North

date: 5/5/99

prepared by: S. OGLE

MICROFILMED



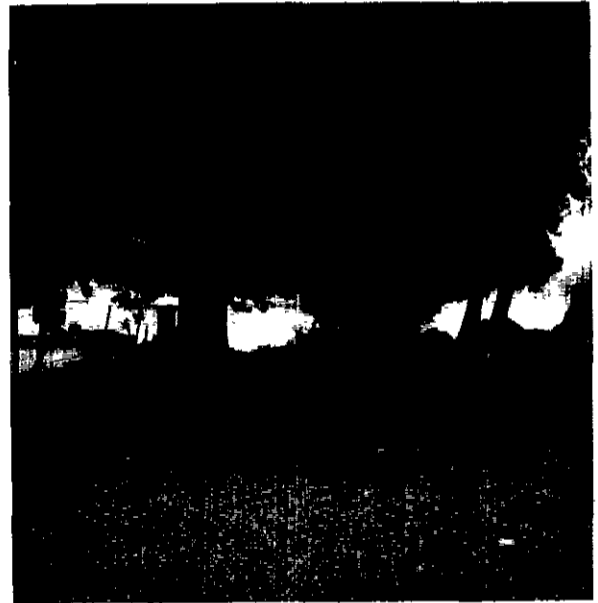
Where ADDITION would
Be Hopefully!



418 Katherine Ave. | 416
From ROAD SIDE



416 KATHERINE Ave
From ROAD SIDE



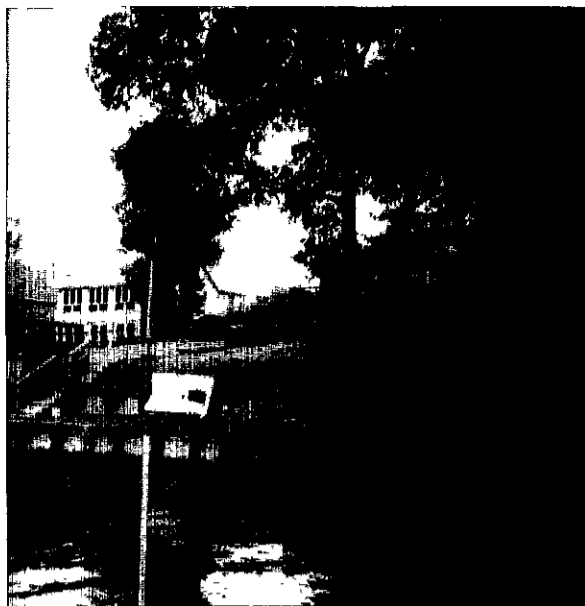
" LOT 10 "
From ROAD SIDE



418
From Water side



416 KATHERINE Ave.
From Water side



410 412
From Water Side



"LOT 10"
From Water Side



416 418
Lot Line Looking From Water



418 416
Lot Line Looking from Road